



PCB Recordkeeping and Reporting

BACKGROUND: Polychlorinated biphenyls (PCBs) are a class of organic chemicals that were widely used in industrial applications due to their practical physical and chemical properties. Historically PCBs were used as dielectric fluids (for example, in utility transformers, capacitors) and hydraulic fluids, and in other applications requiring stable, fire-retardant materials. Due to findings that PCBs may cause adverse health effects and due to their persistence and accumulation in the environment, the Toxic Substances Control Act (TSCA), enacted on October 11, 1976, banned the manufacture of PCBs after 1978 [Section 6(e)]. The first PCB regulations [see 40 *Code of Federal Regulations (CFR)* Part 761] were finalized on February 17, 1978, and were amended on June 29, 1998 [63 *Federal Register (FR)* 35384].

These PCB regulations include requirements specifying disposal methods and marking (i.e., labeling) procedures. They also control PCB use.

All generators, disposers, and storers of PCB waste must comply with the recordkeeping and reporting requirements found at 40 *CFR* Part 761.180. The regulations include directions for writing and maintaining annual records and annual document logs and for preparing annual reports, exception reports, manifest discrepancy reports, and unmanifested waste reports.

To assist the Department of Energy (DOE) in its efforts to comply with the TSCA statute and implementing regulations, the Office of Environmental Guidance has prepared a document entitled *Guidance Booklet on Storage and Disposal of Polychlorinated Biphenyl (PCB) Waste*. This Information Brief supplements the PCB guidance document by responding to common questions concerning recordkeeping and reporting requirements for PCBs. It is one of a series of Information Briefs pertinent to PCB management issues.

STATUTE: Toxic Substances Control Act of 1976 (TSCA)

REGULATION: 40 *CFR* Part 761

REFERENCES:

1. *Guidance Booklet on Storage and Disposal of Polychlorinated Biphenyl (PCB) Waste*, DOE Office of Environmental Guidance, RCRA/CERCLA Division (EH-413), DOE/EH-413-9914, November 1999.
2. *Notification and Manifesting for PCB Waste Activities*, Final Rule, Environmental Protection Agency, 54 *FR* 52716, December 21, 1989.
3. *PCB Manifesting and Notification Rule*, EH-413 TSCA Information Brief, EH-413-0008/0702, Office of Environmental Policy and Guidance, RCRA/CERCLA Division, July 2002.
4. *PCB Storage Requirements*, EH-413 TSCA Information Brief, EH-413-0006/0702, Office of Environmental Policy and Guidance, RCRA/CERCLA Division, July 2002.

What are the basic recordkeeping and reporting requirements for PCBs?

All owners and operators of facilities must maintain annual records and an annual document log when (a) generating waste containing, (b) using, or (c) storing the following at any one time:

- ❑ one or more PCB Transformers (i.e., transformers with ≥ 500 ppm of PCBs),
- ❑ voltage regulators (with ≥ 3 lbs. of ≥ 500 ppm of PCBs),
- ❑ ≥ 50 ppm PCB Large (High- or Low-Voltage) Capacitors, or
- ❑ > 99.4 lbs. of ≥ 50 ppm of PCBs in PCB Containers.

In addition, disposers and commercial storers of PCB waste must submit an annual report to the Environmental Protection Agency (EPA).

- ❑ **Annual records** consist of all signed manifests for PCB waste generated, stored, or disposed of at the facility and all Certificates of Disposal generated or received by the facility during a calendar year, and records of inspections and cleanups performed in accordance with temporary storage (40 *CFR* Part 761.65(c)(5)). The acknowledgment (e.g., certified mail with return receipt) of a PCB Transformer registration by EPA is also included in the annual records. Annual records must be compiled by July 1 of the following year for the preceding calendar year. They are not submitted to EPA; rather, they are made available for EPA inspection upon request.
- ❑ An **annual document log** (i.e., an inventory of PCBs and PCB Items) is required only for facilities that must maintain annual records of PCBs. It contains detailed information on the total amount of waste PCBs and number of PCB Items shipped from or received by a facility during a calendar year based on annual records. Even in cases where a shipping manifest may not be required (e.g., for shipments between DOE facilities [see reference #3 and 40 *CFR* Part 761.208(b)]), the facility must keep track of information concerning its PCB waste shipments in sufficient detail so that the annual document log can be prepared. The annual document log must also contain information on the number of PCB Items in service at the facility at the end of the year and records of all correspondence and telephone contacts between the generator, storer, and disposer of any PCB waste. Information about the transfer of ownership (recipient's name, address, telephone number, date of transfer, and serial number or internal identification number) of a PCB Item with ≥ 50 ppm of PCBs, excluding small capacitors, must be in-

cluded in the annual document log. The annual document log must be compiled by July 1 of the following year for the preceding calendar year. It is not submitted to EPA; rather, it is made available for EPA inspection upon request.

- ❑ An **annual report** summarizes the information in the annual document log and annual records for the preceding calendar year. It must be submitted to EPA by disposers (including an owner or operator who disposes of his/her own waste and does not receive or generate manifests) and commercial storers of PCB waste by July 15 of the following year.

How long must PCB records be maintained at the facility and where should the records be located?

Facilities required to develop annual records, manifest records, and/or an annual document log for a particular year must maintain those documents for at least three years after the facility ceases to use PCBs or ceases its PCB waste-handling activities. It would be prudent for the facility to maintain records longer than three years in order to address any possible future enforcement actions. PCB records must be available during normal business hours for inspection by EPA. DOE personnel responsible for the facility must know where the records are located; however, the records do not have to be located on site.

What is an exception report and when is it required?

Exception reports are documents that must be sent to EPA when certain steps in the PCB waste disposal cycle are not met. An exception report alerts EPA about PCB waste shipments that never reach their intended destination. These reports must be prepared if the generator of PCB waste subject to manifesting requirements does not receive a signed copy of the manifest that accompanied the shipment to a commercial storage or disposal facility within 45 days of the shipment. The generator of the PCB waste must attempt to determine the status of the waste by contacting the transporter and designated disposal facility prior to preparing an exception report. Records must be kept of any correspondence. The generator shall submit the exception report to EPA within 45 days from the date on which the generator should have received the manifest. (Note carefully that the start date for this 45 days is not the same as the start date for the 45 days from date of shipment.)

What is a one-year exception report and when is it required?

A one-year exception report notifies EPA that PCB waste stored for disposal has exceeded the one-year time limit (see reference #4). A one-year exception report must be prepared if any of the following occurs:

- ❑ The *generator or commercial storer* must prepare the report if the PCB waste was transferred within nine months from the date of removal from service and the generator or commercial storer has either:
 - not received a Certificate of Disposal within 13 months from the date of removal from service, or
 - received a Certificate of Disposal indicating that disposal occurred more than one year from the date of removal from service.
- ❑ The *disposer* must prepare the report if the PCB waste was received more than nine months from the date of removal from service and disposal occurred more than one year of date of removal from service.

It should be noted that extensions of the one-year time limit may be granted by the EPA upon written notification that disposal attempts within the one-year time limit have been unsuccessful.

Furthermore, note that PCB waste that is radioactive and exempt from the one-year storage limit is also exempt from these one-year exception reporting requirements (i.e., a one-year exception report does not need to be prepared for these wastes when they are stored for more than one year).

What is a manifest discrepancy report and how does it differ from an unmanifested waste report?

A **manifest discrepancy report** is a letter written by a disposer or commercial storer to report any significant quantitative or qualitative discrepancy discovered between the PCB waste information on the manifest and the contents of a PCB waste shipment. Significant quantitative discrepancies include a variation of >10% in weight of PCB waste in containers or any variation in the piece count (e.g., one instead of two PCB Articles). Significant qualitative discrepancies consist of conspicuous differences based on observation (e.g., liquid instead of non-liquid or high instead of low concentration). If, after 15 days, the significant discrepancy has not been resolved with the waste generator or transporter, the recipient of the PCB waste must submit a manifest discrepancy report to the EPA Regional Administrator that (1) describes the significant discrepancy, (2) explains the attempts made to reconcile it, and (3) in-

cludes a copy of the manifest or shipping paper at issue. Directions for preparing the manifest discrepancy report are found at 40 *CFR* Part 761.210(a) and (b).

An **unmanifested waste report** must be prepared by the owner or operator of a disposal or commercial storage facility within 15 days after receiving any PCB waste shipment without an accompanying manifest. The owner or operator of the facility that received the unmanifested waste must attempt to obtain a manifest from the generator or must return the waste. Directions for completing this report are found at 40 *CFR* Part 761.211(a) through (c).

Questions of policy or questions requiring policy decisions will not be dealt with in EH-413 Information Briefs unless that policy has already been established through appropriate documentation. Please refer any questions concerning the subject material covered in this Information Brief to Beverly Whitehead, RCRA/CERCLA Division, EH-413, (202) 586-6073, or beverly.whitehead@eh.doe.gov.

